

PATENT
Attorney Docket No. 29610/CDT370

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Jeremy Burroughes et al.)	I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4).
Serial No. 10/533,989)	December 8, 2008
Filed: November 4, 2003 (Int'l Appl. No. PCT/GB03/004753))	
For: Polymer)	
Group Art Unit: 1794)	
Examiner: Camie S. Thompson)	Andrew M. Lawrence, Reg. No. 46,130
Confirmation No. 1397)	Attorney for Applicant



COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This paper is responsive to the "examiner's statement of reasons for allowance" in the notice of allowance and fee(s) due dated September 8, 2008, in the above-referenced application. The allowance of claims 1, 3, 5, and 7-19 is noted, with appreciation, and the issue and publication fees are submitted herewith.

The examiner's statement of reasons for allowance is reproduced below:

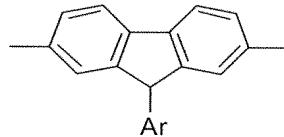
The following is an examiner's statement of reasons for allowance: The prior art does not provide for the recited polymer comprising as a first repeat unit of formula I with Ar being an oligophenyl or phenyl substituted with at least one electron withdrawing group selected from the group of fluorine or nitro. Additionally, the prior art does not provide for the recited monomer as claimed in claims 14 and 15. The closest prior art (JP 10-095972) teaches a fluorene compound with fluorine substituted phenyl wherein X₁

to X_6 can be fluorine (halogen) and m is 1. The prior art (JP 10-095972) fails to teach or suggest that the fluorene compound is a repeat unit of a polymer. Also, the closest prior (JP 10-095972) allows for other substituents on the phenyl groups whereas the present monomer claims require that the substituents on the phenyl or oligophenyl be only fluorine and nitro groups.

See pages 2-3 of the notice of allowability attached to the notice of allowance dated September 8, 2008.

The applicants agree with the examiner that JP 10-095972 does not teach or suggest that the illustrated fluorene compound is a repeat unit of a polymer, as noted by the examiner.

The applicants respectfully submit, however, that pending claims 1-3, 5, and 7-13 recite “a polymer comprising optionally substituted repeat units of formula (I):



(I)

wherein Ar is phenyl or oligophenyl substituted with at least one electron withdrawing group, said electron withdrawing group comprising at least one of a fluorine and a nitro group.” Thus, the electron withdrawing group is not selected from fluorine and nitro, as suggested by the examiner, but rather must comprise at least one of a fluorine and a nitro group (*see, for example, claim 3, which recites potential Ar substituents other than a fluorine and a nitro group; see also claim 5, which recites potential Ar substituents comprising fluorine*). The applicants further submit that pending claims 14-19, which recite a monomer, have a similar scope with respect to the recited electron withdrawing group.

The applicants respectfully submit that the claims are allowable over the art for reasons of record and that each of the allowed claims of this application should be interpreted to only include the actual elements recited therein, and not to include any non-recited elements based on the examiner’s statements. If the examiner disagrees that any claim, as currently written, is not allowable based only on the elements specifically recited therein, the applicants request withdrawal of this case from

allowance and issuance of a new official action providing reasoning supporting the rejection.

In the event any additional fees are necessary in connection with this application, kindly charge the cost thereof to our Deposit Account No. 13-2855.

Respectfully submitted,

MARSHALL, GERSTEIN & BORUN LLP

December 8, 2008



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